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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131				
			EXAMINER FISCHETTI, JOSEPH A	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/060,423

Applicant(s)

KLOUBAKOV ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 22, 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13,22,23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the use of the term "local" is a relative term which cannot be deemed definite. Unless there is a recitation of a marker in space which gives definition to this relative term, it remains indefinite.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble 136 in view of Snyder.

Humble discloses a checkout station configured for self-checkout by customers of items for purchase (50); a supervisory terminal is configured to conduct supervisory activities to administer the operation of the checkout station 28, e.g. missing codes inputted into system is read as supervisory activity); However, Humble fails to teach a controller operatively coupling a plurality of supervisory terminals to the checkout station, wherein said stored program code configures to enable administration of the checkout station by multiple ones of the supervisory terminals and enables communication from the check out station to multiple supervisory terminal.

But, Snyder discloses a plurality of supervisory terminals 90 comprising stored program instructions that configure the supervisory terminals to conduct supervisory activities administering operation of the checkout station (the transmission of a low change condition, col. 21 lines 36-37, is read as administering the operation of notifying of a supervisory activity); and a controller (78b) operatively coupling the plurality of supervisory terminals to the self-checkout station and comprising stored program instructions to coordinate operation of the plurality of supervisory terminals

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to enable more than one of said terminals to conduct supervisory operations administering operation of the self-checkout station (col. 27 lines 6,7, the processing unit 78b communicates with the paging device 86 in order to generate RF signals which are received by either the wireless alphanumeric pagers 90 ...".

It would appear obvious to modify the system in Humble to include the controller 30 and plural supervisory terminals 90,90 of Snyder because the motivation for this is set forth in Humble in col. 2 to prevent bottlenecking of the system and thus the plural supervisory system of Ito et al. would do exactly that by allowing the other stations 28 to pick up the load at a point where the one station worker 28 becomes bottlenecked.

Re claim 2: as set forth above, the checkout station is one of a plurality of checkout stations as taught by Snyder 10,10, (col. 21 lines 30-31) thus each station has a dedicated controller 78b. The motivation for combining is restated.

Re claim 3: the checkout station is one of a plurality of checkout stations as set forth above as taught by Humble 32,32 and operatively coupled to each of the plurality of checkout stations is the controller 28 is configured 26,26,26 to administer control of the plurality of checkout stations by

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multiple ones of the plurality of supervisory terminals (Fig. 12 discloses commonly addressed messaging between terminals 32,32 and controller 30.)

Re claims 4,5: a first one of the supervisory terminals is operatively coupled to the controller by a wireless data network (note that Snyder discloses a wireless connection at system element applicable to communications between the supervisory terminals and the controller, and Humble discloses wired line connections 26,26 between the controller 28 and checkout stations. The motivation for combining Humble and Snyder is herein repeated.

Re claims 6,7(insofar as understood), 8: Official Notice is taken with regard to the old and notorious use of battery powered computer terminals, e.g. lap top computers and for the old and notorious use of a vibrator signal in a pager. Absent a showing of criticality the size of an object is deemed a mere matter of design. The notice is made final.

Re claims 22,23: Snyder discloses col. 21 lines 29-31 each supervisory terminal 90,90 can receive a communication from one of the check out needing assistance.

Claims 9,10,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble in view of Snyder as applied above, and further in view of Legge et al.

The above combination fails to disclose a first one of the supervisory terminals comprises a card reader configured to clear a weight violation at the checkout station in response to a reading of an authorization transponder card. However, Legge et al. do teach using an attendant transponder 50 having a card reader for receiving a pass key to release debit/credit values. It would be obvious to modify the above combination above to include a pass key/transponder for releasing a locked up check out station due to weight discrepancies in Humble because this would make it easier to effect resetting of the locked system by a single sweep of a card which include all codes to effect such a change. Re claim 11: the checkout station is one of a plurality of checkout stations as taught by Humble 32,32 and is operatively coupled to each of the plurality of checkout stations; and Humble further teaches the a supervisory terminal 28 dedicated to conducting supervisory activities over a first (24, 2<sup>nd</sup> from the left) one of the plurality of checkout stations.

Claims 12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble in view of Snyder as applied above, and further in view of Wada.

These claims fail to positively recite limitation in a structural way in apparatus claims. Hence the language is deemed functional language and is met by the combination being capable of accomplishing these functions which can be programmed into any computer/pager. Notwithstanding, Snyder discloses supervisory terminals 90,90 whose dual functions are: 1. receipt of the detection of low change condition with the coin dispenser 48 is communicated to plural terminals 90,90 and 2. the identity of the station needing assistance).

Humble does teach a plurality of supervisory functions that can be performed to administer operation of the checkout station, e.g. code check, pricing, etc. Neither teaches the first and second subsets of the supervisory functions are different.

But Wada does teach such a system wherein in col. 8 last paragraph it is disclosed that individual ones of the plural controllers has a different a subset of functions different from the other in order to conduct a different function of HVAC depending on client order. It would be obvious to modify the combination of Humble and Ito et al. to include the feature of



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assigning separate different functions to each of the supervisory controllers as taught by Wada because this would allow more efficient processing of information through the system. Re claim 13: heat control is common to the first and second subsets of the supervisory activities in Wada as would obviously be the pricing function in Humble.

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

 JOSEPH A. FISCHETTI  
PRIMARY EXAMINER